

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 19

September 19, 2011

SUBJECT: DIRECT CITE RELEASE FROM CUSTODY PROCEDURES - ESTABLISHED

EFFECTIVE: IMMEDIATELY

PURPOSE: The purpose of this Order is to establish Direct Cite Release from Custody (RFC) procedures for the 20 violations identified by the Office of the City Attorney in order to streamline the RFC process.

PROCEDURE:

I. DIRECT CITE RELEASE FROM CUSTODY PROCEDURES - ESTABLISHED. This Order establishes Section 4/216.66, *Direct Cite Release from Custody Procedures*, to the Department Manual. Direct Cite RFC procedures do not require the attachment of a Criminal Identification and Information (CII) printout (Rap Sheet), Consolidated Criminal History Reporting System (CCHRS) printout, or a Release from Custody Report Continuation, Form 05.02.08. This procedure shall be applied uniformly by all 21 Areas and will be accepted by all City Attorney filing deputies throughout the City of Los Angeles.

The City Attorney's Office has approved the following 20 violations for Direct Cite RFC procedures, as long as all of the required elements (attachment) are articulated in the narrative section of the Non-Traffic Notice to Appear, Form 05.02.02.

- * 41.27(c) Los Angeles Municipal Code (LAMC) - Drinking in Public;
- * 41.27(d) LAMC - Possession of Open Container on Posted ABC Location;
- * 41.18(d) LAMC - Sitting or Sleeping on the Sidewalk;
- * 41.45(c) LAMC - Illegal Possession of Shopping Cart;
- * 41.45(d) LAMC - Illegal Use of Shopping Cart;
- * 42.00(d) LAMC - Regulation of Street Advertisements;
- * 63.44B2(d) LAMC - Permitting an Unleashed Animal in Park;
- * 63.44B14(a) LAMC - Loitering in Park After Hours;
- * 63.44B14(b) LAMC - Sleeping on Beach After Hours;

- * 63.44B19 LAMC - Littering Within a Park;
- * 63.44B24 LAMC - Lighted Tobacco in Park;
- * 63.44I9 LAMC - Erecting Structures or Tents on Beach;
- * 63.44K2 LAMC - Parking in Park After Hours;
- * 374.4(a) Penal Code (PC) - Littering;
- * 640(b)(1) PC - Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system;
- * 640(b)(3) PC - Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system;
- * 640(b)(5) PC - Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code in a system facility, vehicle, or parking structure;
- * 640(c)(1) PC - Evasion of the payment of a fare of the system. For the purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare;
- * 640(c)(2) PC - Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare; and,
- * 25620 Business and Professions Code - Possession of Open Container of Alcohol in a Public Place.

All other violations that are not specifically identified in this Order, or where the officer is unable to document all of the required elements of the violation within the narrative section of the RFC citation, shall continue to be processed as outlined in Department Manual Section 4/216.65, *Release from Custody*.

- II. OFFICER'S RESPONSIBILITIES.** When issuing an RFC for one of the 20 qualifying Direct Cite sections, officers shall document the appropriate violation section and the required crime elements in the narrative box. Officers shall submit the RFC citation as a stand-alone document without the need for a Release from Custody Report Continuation.

Note: Juvenile arrest procedures and arrests where evidence is to be booked have not been changed by this process.

III. COURT IDENTIFICATION REQUIREMENTS. Currently, there are differing opinions within the courts on what are considered acceptable forms of identification for the purposes of issuing RFCs. All citations that use a strictly numeric identifier [e.g., Social Security Number, Criminal Investigation and Identification (CII) number, Master Automated Index Number (MAIN), Department of Motor Vehicles X number, etc.] will be rejected. Passports will also be rejected. As a result of the inconsistencies within the courts, officers issuing RFCs shall determine that the arrestee meets one of the following identification requirements:


- * A permanent state-issued driver license;
- * A permanent state-issued identification; or
- * United States Military identification.

Exception: The Chatsworth, San Fernando, and Van Nuys Courthouses will accept any officially-issued Foreign Consulate identification card as valid proof of identification.

AMENDMENTS: This Order amends Section 4/216.65 of the Department Manual and adds Section 4/216.66 to the Department Manual.

MONITORING RESPONSIBILITY: The Chief of Detectives, Detective Bureau, shall monitor compliance for this directive.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

CHARGING SECTIONS

WHERE NARRATIVE NOT REQUIRED

The attachment of a continuation sheet is not required for the below listed citations; however, the elements indicated must appear on the RFC.

LOS ANGELES MUNICIPAL CODE SECTIONS

SECTION	REQUIRED ELEMENTS-The citation must state the following:
41.27(c) Drinking in Public	<ol style="list-style-type: none"> 1. <u>Specific description of public place</u> (e.g., street, sidewalk, park, playground, alley, etc). Stating "public place" is insufficient. 2. <u>Officer observed</u> the suspect drinking an alcoholic beverage, and if known, the specific brand (e.g., Coors, Jack Daniels, etc). 3. <u>Officer smelled an odor</u> of alcohol emanating from the container. 4. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
41.27(d) Possession of Open Container on Posted ABC Location	<ol style="list-style-type: none"> 1. Suspect possessed an <u>open container of alcohol</u>. 2. The open container was possessed <u>on or adjacent to an ABC-licensed and posted premises</u> or on a parking lot or public sidewalk adjacent to an ABC license and posted premise. 3. <u>Exact location of the posted sign</u>. 4. <u>Officer smelled an odor</u> of alcohol emanating from the container. 5. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
41.18(d) Sitting or Sleeping on the Sidewalk	<ol style="list-style-type: none"> 1. Suspect was sleeping, sitting, or lying on sidewalk or public way. 2. Suspect was in a <u>prone position</u>. 3. Violation took place <u>between the hours of 6:30 a.m. and 9:00 p.m.</u> 4. Facts sufficient to support <u>reasonable suspicion</u> for the detention. 5. Reference Jones Injunction.
41.45(c) Illegal Possession of Shopping Cart	<ol style="list-style-type: none"> 1. Suspect possessed a shopping cart <u>outside the parking lot or building premises</u>. 2. The <u>exact location</u> of the business and the exact location of the shopping cart. 3. The shopping cart has a <u>permanently-affixed sign</u> identifying it as property belonging to the owner's business. 4. The affixed sign states that <u>shopping cart is not to be removed</u> from the owner's premises. 5. The suspect <u>did not have written permission</u> to remove the shopping cart. 6. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
41.45(d) Illegal Use of Shopping Cart	<ol style="list-style-type: none"> 1. Suspect shall not use any shopping cart for any purpose other than originally intended by the business owner. 2. The citation must state the shopping cart owner's name, the business location, and the location where the suspect was found in possession of the shopping cart. 3. Suspect did not have written consent to use the shopping cart for that purpose. 4. Report must state facts explaining use inconsistent with the owner's permission. <ol style="list-style-type: none"> (a). The citation should describe items contained in the cart. (b). The citation must state facts explaining how the cart was being used in a manner that was inconsistent with the owner's intended purpose. 5. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
42.00(d) Regulation of Street Advertisements	<ol style="list-style-type: none"> 1. Suspect shall not bear, wear or carry any advertisement (e.g., flag, banner, board, sign, wearing apparel or device) upon any street or in any place of business or show without permit. 2. The report must describe the advertisement and should include a photo of the advertisement. 3. Facts sufficient to support <u>reasonable suspicion</u> for the detention.

63.44B2(d) Permitting an Unleashed Animal in Park	<ol style="list-style-type: none"> 1. No person shall permit or allow any animal owned or possessed by him or her or any animal in his or her care, custody or control to be present in a park except when the animal is licensed and led by a leash not more than six(6) feet long, or when confined in a vehicle or a designated area for exercise training. 2. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
63.44B14(a) Loitering in Park After Hours	<ol style="list-style-type: none"> 1. The suspect shall not enter, remain, stay or loiter in any park between the hours of 10:30 p.m and 5:00 a.m (some designated parks have different closing hours). 2. The report should state that there are posted signs stating the hours when the park is closed and further stating that it is a criminal violation to remain in the park after closing hours. 3. The report must state the name of the park. 4. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
63.44B14(b) Sleeping on Beach After Hours	<ol style="list-style-type: none"> 1. The suspect shall not enter, remain, stay or loiter in any park which consist of an ocean area, beach, or pier between the hours of 12:00 midnight and 5:00 o'clock a.m. 2. The report should state that there are posted signs stating the hours when the park is closed and further stating that it is a criminal violation to remain in the park after closing hours. 3. The report must state the name of the park and should state the name of the park official. 4. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
63.44B19 Littering Within a Park	<ol style="list-style-type: none"> 1. No person shall throw, discard or deposit any paper, rubbish, debris, ashes, dirt, bottles, cans, trash or litter of any kind or nature whatsoever, except in receptacles specifically provided therefore. 2. The citation must state the name and location of the park and must describe the discarded item and the location where it landed. 3. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
63.44B24 Lighted Tobacco in Park	<ol style="list-style-type: none"> 1. No person shall light, ignite, set fire to, smoke, carry, throw or discard any lighted tobacco products, including cigarettes, cigars or smoking tobacco. 2. A violation occurs when any person is observed carrying or holding any lighted cigar, cigarette or lighted smoking equipment, or the emitting or exhaling of smoke from any such item. 3. Further, no person shall discard or dispose of any tobacco products except in approved containers. 4. "No Smoking" sign shall be conspicuously displayed and shall cite this section. 5. The locations of posted signs must be stated in the citation. 6. The name and location of the park must be stated in the citation. 7. The citation must state sufficient facts to support a reasonable suspicion for the detention.
63.44I9 Erecting Structures or Tents on Beach	<ol style="list-style-type: none"> 1. No person shall erect, maintain, use, or occupy on any beach, a tent, lodge, shelter, or structure that has more than two sides closed. 2. The tent must be entirely open with an unobstructed view into the tent except for the two closed sides. 3. If not a rectangle then not more than one-third of the tent shall be closed. 4. The citation must state facts sufficient to establish the suspect was in possession of the tent. 5. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
63.44K2 Parking in Park After Hours	<ol style="list-style-type: none"> 1. No person shall park any vehicle on any public parking lot between the hours of 10:30 p.m and 5:00 a.m.; provided, however, that in ocean or beach areas, no person shall park any vehicle between 12:00 midnight and 5:00 a.m. 2. The citation must state the name and location of the park or beach. 3. The citation should specifically describe the vehicle and the area where the vehicle was parked. 4. Facts sufficient to support <u>reasonable suspicion</u> for the detention.

PENAL CODE SECTIONS

374.4(a) Littering	<ol style="list-style-type: none"> 1. It is unlawful to litter or cause to be littered in or upon public or private property. 2. "Litter" is discarding or dropping small quantities of waste matter in a place that is not a container for the proper disposal of that matter. 3. The citation must specifically describe the discarded materials. 4. The citation must state that the littering occurred on public or private property and must specifically describe the littered area. 5. The citation must identify the owner of the property that was littered upon. 6. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
640 (b) (1) Eating or Drinking	<ol style="list-style-type: none"> 1. The citation must state that the suspect was observed eating or drinking in or on any facility or vehicle of a public transportation system in areas where eating or drinking is prohibited by that system. 2. "NO EATING OR DRINKING" signs should be conspicuously displayed and should cite this section. 3. The locations of posted signs should be stated in the citation. 4. The citation must state the location of the violation and the name of the transportation system. 5. The citation must state the name of the officer who observed the violation. 6. The citation must state sufficient facts to support a reasonable suspicion for the detention.
640 (b) (3) Smoking	<ol style="list-style-type: none"> 1. The citation must state that the suspect was observed smoking on or in any facility or vehicle of a public transportation system in areas where smoking is prohibited by that system. 2. "NO SMOKING" signs should be conspicuously displayed and should cite this section. 3. The locations of posted signs should be stated in the citation. 4. The citation must state the location of the violation and the name of the transportation system. 5. The citation must state the name of the officer who observed the suspect smoking. 6. The citation must state sufficient facts to support a reasonable suspicion for the detention.
640 (b) (5) Skateboarding, Roller Skating, Roller Blading, Bicycling or Operating a Motorized Scooter	<ol style="list-style-type: none"> 1. The citation must state that the officer or witness observed the suspect skateboarding, roller skating, roller blading, bicycle riding, or operating a motorized scooter in or on any facility or vehicle of any public transportation system. 2. The citation must state the location of the violation and the name of the transportation system. 3. The citation must state the name of the witness or officer who observed the violation. 4. The citation should state the suspect's actions were not necessary for utilization of the transit facility by the bicyclist and the bicyclist's actions were not necessary for parking or transporting the bicycle aboard a transit vehicle. 5. The citation should reference the presence of signs prohibiting skateboarding, roller skating, roller blading, bicycling or operating a motorized scooter in the area. 6. The citation must state sufficient facts to support a reasonable suspicion for the detention.

640(c)(1) Fare Evasion	<ol style="list-style-type: none"> 1. The citation must state that the suspect evaded payment of fare on any facilities or vehicles of any public or subsidized transportation system. 2. The citation must state the location of the violation and the name of the transportation system. 3. The citation must state that the suspect received service or was observed in a restricted area, access to which is only authorized for customers who provide proof of fare payment. 4. The citation must state the name of the witness or the officer who observed the fare evasion. 5. If applicable, the citation should state that the suspect passed through an unauthorized barrier and failed to pay the required fee or fare. 6. The citation must state sufficient facts to support a reasonable suspicion for the detention.
640 (c) (2) Misuse of Transfer, Pass, Ticket or Token	<ol style="list-style-type: none"> 1. The citation must state that the suspect misused a transfer, pass, ticket or token with the intent to evade payment of fare on any facilities or vehicles of a public or subsidized transportation system. 2. The citation must state the location of the violation and the name of the transportation system. 3. The citation should state that the suspect received services and was observed in a restricted area, access to which is only authorized for customers who provide proof of fare payment. 4. The citation must state the name of the witness or officer who observed the violation. 5. If applicable, the citation should state that the suspect passed through an unauthorized barrier and failed to pay the required fee or fare. 6. The citation must state sufficient facts to support a reasonable suspicion for the detention.

BUSINESS AND PROFESSIONS CODE SECTION

25620 Possession of Open Container of Alcohol	<ol style="list-style-type: none"> 1. Suspect possessed an open can, bottle or receptacle containing an alcoholic beverage in a park or public place. 2. The citation must specifically describe the public place, such as a street, sidewalk, alley or park. 3. The citation must state that the officer smelled an odor of alcoholic emanating from the container. 4. The citation must state that the defendant was observed in possession of the alcoholic beverage. 5. Facts sufficient to support <u>reasonable suspicion</u> for the detention.
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